IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2115 of 2006

MANGI LAL & ORS.
V/S
PURSHOTTAM & ORS.

Mr. MOHD. ASLAM for Mr. MANISH SHISHODIA, for the appellant / petitioner

Mr. SAJJAN SINGH, for the respondent

Date of Order : 16.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

By this writ, the petitioner seeks to challenge the order Annexure-11 whereby the learned lower Appellate Court has set aside the order of the learned trial court by which the learned trial court had allowed the petitioner's application under O. 39 Rule 4 C.P.C., and had given certain directions to the defendant.

The matter was heard on merits. However, during arguments it was pointed out by the learned counsel for the respondent that in the original suit itself the final arguments had been heard but then on account of Presiding Officer having been transferred the matter could not be decided, and thereafter the successor Presiding Officer has also partly heard the arguments.

In that view of the matter, passing of any order in this writ petition on merits is likely to prejudice rights of either of the parties in the litigation. Therefore, the writ petition is disposed of simply with a direction to the learned trial court to decide the suit most expeditiously.

(N P GUPTA),J.

/sushil/